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STATE OF GEORGIA
GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY
1776

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY COURT

DEANNA H AAL, Petitioner,	§	
v.	§	CIVIL ACTION FILE NO. 2018CV310972
SHAMEL HANAFI, Respondent.	§	

CERTIFICATE OF SERVICE

This is to certify that I have this day served the counsel for Petitioner with a copy of the foregoing *Objection to Request for Registration of Child Custody Determination and Request for Hearing Pursuant to O.C.G.A. § 19-9-85* by Statutory Electronic Service to: mec@cauthornnohr.com and jcs@cauthornnohr.com and by depositing a copy of same in the United States Mail, with sufficient postage affixed thereon to ensure proper delivery of same, addressed as follows:

Marijane E. Cauthorn, Esq.
Jennifer C. Suggs, Esq.
Cauthorn Nohr & Owen
212 Church Street
Marietta, GA 30060

This 26th day of October, 2018.

ANGELA M. KINLEY, P.C.

ANGELA M. KINLEY
Attorney for Respondent
Georgia State Bar No. 159097

3400 Peachtree Road NE
Suite 1011
Atlanta, GA 30326
(404) 784-7186
angela@kinleylaw.com

CONSULATE OF
THE ARAB REPUBLIC OF
EGYPT
WASHINGTON, D.C.

Seen for the legalization of the signature of the U.S. Notary of State and of the seal of the Department of State without any responsibility as to part of the authorities of the Arab Republic of Egypt as to contents.

Legalization Number
55

GEORGIA SUPERIOR COURT
CLERKS' COOPERATIVE AUTHORITY
Notary and Authentications Division
1875 Century Boulevard, Suite 100
Atlanta, Georgia 30345
(404) 327-6023

FILED IN OFFICE
December 8th.2019
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

STATE OF GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY 1776

APOSTILLE
(Convention de La Haye du 5 Octobre 1961)

1. Country: **UNITED STATES OF AMERICA**
2. This public document has been signed by [redacted]
3. acting in the capacity of the **THE NOTARY REPUBLIC, STATE OF GEORGIA**
4. bears the seal/stamp of [redacted]

[redacted] **NOTARY REPUBLIC, STATE OF GEORGIA**

CERTIFIED

5. at **ATLANTA, GEORGIA** 6. the **5th. Of December 2019**
7. by **CLEARKS'S COOPERATIVE AUTHORITY**
8. No. [redacted]
9. Seal/Stamp
10. Signature:

STATE OF GEORGIA CONSTITUTION WISDOM JUSTICE MODERATION 1776

JOHN E. EARL

EXECUTIVE DIRECTOR

This Apostille only certifies the authenticity of the signature and the capacity of the person who has signed the public document, and, where appropriate, the identity of the seal or stamp which the public document bears. This Apostille does not certify the content of the document for which it was issued.
This Apostille is not valid for use anywhere within the United States of America, its territories or possessions.

United States Department of State

Washington, D.C. 20520

Mr. Shamel Hanafi
3116 Walton Way
Atlanta, GA 30076

July 18th.2018

Dear Mr. Hanafi:

Our records reflect that in March, 2017 you contacted our office to report that your daughter, Karma Hanafi, had been wrongfully removed to Egypt by her mother, Deanna Aal in July of 2016. Based on the information you provided, our office opened a report of abduction on behalf of your daughter on March 13, 2017. Your child was also entered into CPIAP; the case number is 1570354 for your reference.

Since March 2017, you have discussed with our office your efforts to hire an attorney and contact law enforcement to have your daughter entered into National Crime Information Center (NCIC) as a missing person. As our office has previously mentioned, inclusion of your daughter in the NCIC will serve to document your child's abduction, and may assist in locating Karma should she cross U.S. or international borders at some point.

If you need any assistance, or have any questions concerning your case, you may contact me at phone number 888-407-4747 or by email at MiddleEastIPCA@state.gov.

Sincerely,

Kelly C. Landry
Office of Children's Issues

CONSULATE OF
THE ARAB REPUBLIC OF
EGYPT
WASHINGTON, D.C.

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Legalization Number
Fee -
Date '55 SEP

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FILED IN OFFICE
FEB 27 2019
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY COURT

DEANNA H AAL,
Petitioner,

v.

SHAMEL HANAFI,
Respondent.

§ CIVIL ACTION FILE NO. 2018CV310972

ORDER DENYING REQUEST FOR REGISTRATION OF CHILD CUSTODY DETERMINATION

The above-styled matter came before this Court for a hearing pursuant to *Respondent's Objection to Request for Registration of Child Custody Determination* pursuant to O.C.G.A. §§ 19-9-85(c)(2) and 19-9-85(d) on January 15, 2019. Present for said hearing were the following: DEANNA H AAL, Petitioner, JENNIFER C. SUGGS and MARIJANE E. CAUTHORN, Counsel for Petitioner, SHAMEL HANAFI, Respondent, and ANGELA M. KINLEY, Counsel for Respondent. After reviewing evidence and testimony of both parties, hearing argument of counsel and considering all matters of record, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1.

Petitioner filed her *Request for Registration of Child Custody Determination* (hereinafter referred to as the "Request") on October 16, 2018 and Respondent was properly served with proces[illegible] pursuant to the Affidavit of Process Server filed on October 16, 2018.

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY COURT

DEANNA H AAL, Petitioner, v. SHAMEL HANAFI, Respondent.	§ § § § § § § §	CIVIL ACTION FILE NO. 2018CV310972

OBJECTION TO REQUEST FOR REGISTRATION OF CHILD CUSTODY DETERMINATION
and
REQUEST FOR HEARING PURSUANT TO O.C.G.A. § 19-9-85

COMES NOW, SHAMEL HANAFI, Respondent in the above-styled matter, by and through his counsel of record, and files this *Objection to Request for Registration of Child Custody Determination and Request for Hearing Pursuant to O.C.G.A. § 19-9-85* (hereinafter referred to as the "Objection") and in support of same, respectfully shows the Court as follows:

1.

Respondent shows that the Affidavit of Process Server evidencing service upon him of the above-styled *Request for Registration of Child Custody Determination* (hereinafter referred to as the "Request") was filed on October 16, 2018.

2.

Pursuant to O.C.G.A. §§ 19-9-85(c)(2) and 19-9-85(d), Respondent hereby timely requests a hearing to contest the validity of the registered determination.

3.

Respondent shows that Request should b on the grounds that the issuing court did not have personal juris r jurisdiction, as

contemplated by O.C.G.A. § 19-9-85(d)(1); that Respondent herein was entitled to notice of the proceedings sought to be registered, but that notice was not given in accordance with the standards of O.C.G.A. § 19-9-47 before the court that issued the order for which registration is sought, as contemplated by O.C.G.A. § 19-9-85(d)(3); and pursuant to general principles of federal and international law applicable to acknowledgment of foreign judgments.

4.

Respondent shows that the minor child of the parties, to wit: K.S.H., a female child, birth year 2012 (hereinafter referred to as the "Child") is a citizen of the United States. Respondent shows that he was previously married to Petitioner at the time Petitioner wrongfully removed the Child from the United States, and refused to return the Child to the United States thereafter with the intent to obstruct Respondent from the exercise of lawful parental rights in violation of 18 U.S.C. 1204.

5.

Respondent shows that Petitioner has wrongfully denied Respondent parental rights to the Child since 2016 and obtained the order sought to be registered by the Request by perpetrating fraud on the Egyptian court, including providing false evidence of notice on Respondent of the Egyptian custody action and making false statements to the court regarding jurisdictional elements of the case required to establish subject matter jurisdiction of a custody action and personal jurisdiction of the Respondent in Egypt.

6.

Respondent shows that he never received any notice of any proceedings regarding child custody or support filed by Petitioner in Egypt and furthermore, that at the time Petitioner alleged to have perfected service on Respondent in Egypt, Respondent can conclusively prove that he was not in Egypt and was not capable of receiving personal service of any legal documents.

7.

Respondent shows that Petitioner further perpetrated fraud on the court in obtaining the order sought to be registered by the Request in violating 18 U.S.C. 1204 and retaining the Child in Egypt despite numerous demands by Respondent that Petitioner return the Child to the United States and subsequently filing a custody action in an Egyptian court, seeking sole custody of the Child without informing the Egyptian court of her unlawful conduct in obtaining and retaining physical custody of the Child outside of the United States.

8.

Respondent shows that the order sought to be registered by the Request awards sole legal and physical custody of the Child to Petitioner and grants no parental rights, whatsoever, of the Child to Respondent and that such denial is contrary to the best interest of the child standard applied by this Court in making child custody determinations pursuant to O.C.G.A. § 19-9-3 as there is no evidence that the Egyptian court gave any consideration to the factors set forth therein.

9.

Respondent shows that O.C.G.A. § 19-9-3(a)(1) states:

> "In all cases in which the custody of any child is at issue between the parents, there shall be no prima-facie right to the custody of the child in the father or mother. There shall be no presumption in favor of any particular form of custody, legal or physical, nor in favor of either parent."

Respondent shows that in addition to the plain language of O.C.G.A. § 19-9-3(a)(1), Georgia public policy and legal principles favor children having a positive, loving relationship with *both* parents and highly disfavor sole custody arrangements, except in extreme cases involving lack of parental fitness or child abuse. As evidence thereof Respondents refers to O.C.G.A. § 19-9-3(d) which states:

> "It is the express policy of this state to encourage that a child has continuing contact with parents and grandparents who have shown the ability to act in the best interest of the child and to encourage parents to share in the rights and responsibilities of raising their child after such parents have separated or dissolved their marriage or relationship."

The relief sought in the Request would wholly circumvent the procedural due process rights of Respondent and the Child and effectively terminate the parent/child relationship between Respondent and the Child as Petitioner would be permitted to deny any contact or communication between them based on the terms of the Egyptian court order, which would not be subject to modification thereafter except by an Egyptian court.

10.

Respondent further shows that Egypt has not signed the Hague Convention on the civil Aspects of International Parental Child Abduction and that Egypt does not recognize, nor give any enforcement to, any child custody order issued by a court of the United

States. Accordingly, there is no comity between Egypt and the United States of America upon which to base recognition of a judgment entered by an Egyptian court.

11.

Respondent shows that Egyptian courts apply specific Sharia law to child custody cases which favor custody in the mother and create a presumption in favor of the mother. Accordingly, courts in the United States of America have previously refused to treat Egypt as a "state" for purposes of the Uniform Child Custody Jurisdiction and Enforcement Act and have found that Egyptian courts have no child custody jurisdiction as there is "clear and convincing evidence that Egyptian child custody laws violate fundamental principles of human rights."

13.

Respondent shows the Request should be denied as the terms of the order sought to be registered are substantively incompatible with Georgia laws regarding child custody and fail to promote the best interest of the Child. Additionally, Respondent shows that the Request should be denied pursuant to O.C.G.A. § 19-9-85 because the Egyptian court did not have jurisdiction over the Respondent or the subject matter of the child custody action and Respondent was not served properly with notice of the child custody proceedings in Egypt. Moreover, Respondent was not afforded a proper opportunity to be heard, said proceedings were tainted with fraud perpetrated by Petitioner herein, and the judgment rendered in said proceedings offends public policies established by the courts of the State of Georgia and United States of America.

Respondent shows that he has incurred attorney's fees and expenses of litigation in responding to the *Request for Registration of Child Custody Determination* and accordingly, Respondent is entitled to an award of attorney's fees and expenses of litigation against Petitioner.

WHEREFORE, Respondent prays:

(a) That a Rule Nisi issue requiring Petitioner show cause, if any, as to why the demands of the Respondent should not be granted;

(b) That the Court deny all relief sought by Petitioner in the *Request for Registration of Child Custody Determination*;

(c) That the Court award Respondent reasonable attorney's fees and expenses of litigation; and

(d) That Respondent have such other and further relief as the Court deems just and proper.

This 26th day of October, 2018.

ANGELA M. KINLEY, P.C.

ANGELA M. KINLEY
Attorney for Respondent
Georgia State Bar No. 159097

3400 Peachtree Road N.E.
Suite 1011
Atlanta, Georgia 30326
(404) 784-7186
angela@kinleylaw.com

2.

Pursuant to O.C.G.A. §§ 19-9-85(c)(2) and 19-9-85(d), Respondent timely filed his objection to the Request and requested a hearing to contest the validity of the Request.

3.

The Court finds that the parties were previously married and are parents of one (1) minor child, to wit: K.S.H., a female child, birth year 2012 (hereinafter referred to as the "Child"). The Court finds that the Child is a citizen of the United States as set forth on the Child's birth certificate which was admitted into evidence.

4.

The Court finds that the issuing court of the documents sought to be registered by Petitioner did not have personal jurisdiction or subject matter jurisdiction of the child custody matter, as contemplated by O.C.G.A. § 19-9-85(d)(1). The Court finds that Respondent was not a resident of Egypt nor did Respondent maintain any domicile in Egypt at the time Petitioner herein filed the child custody action in Egypt, that at the time of filing of the child custody action in Egypt, Respondent was a resident of Fulton County, Georgia and that Petitioner was aware of Respondent's physical address and domicile in the United States of America. Finally, the Court finds that Respondent did not waive or consent to the jurisdiction of the Egyptian courts for the purpose of the custody action filed by Petitioner.

5.

The Court finds that Respondent herein was entitled to notice of the child custody proceedings sought to be registered by Petitioner, but that notice was not given in accordance with the standards of O.C.G.A. § 19-9-47 before the court that issued the order for which registration is sought, as contemplated by O.C.G.A. § 19-9-85(d)(3). The Court finds that Respondent was not served with process in a manner reasonably calculated to give actual notice of the Egyptian custody proceedings.

6.

The Court further finds that Petitioner herein was represented by counsel regarding the proceedings for child custody in Egypt and by counsel regarding an action for child custody which was pending in the Superior Court of Fulton County, to wit: *Shamel Hanafi v. Deanna Hussein Aal*, Civil Action File No. 2017CV288779, at the time of filing of Petitioner's proceedings for child custody in Egypt, and that despite being represented by counsel in both actions, neither attorney made any effort to provide any courtesy copy of the Egyptian pleadings to Respondent or Respondent's counsel in the Fulton County custody action.

CONCLUSIONS OF LAW

The Court hereby **DENIES** the Request for Registration of Child Custody Determination pursuant to O.C.G.A. §§ 19-9-85(d)(1) and 19-9-85(d)(3) based on its findings that the issuing court for the documents sought to be registered did not have personal jurisdiction over the Respondent nor subject matter jurisdiction of the child custody action and, further, Respondent was not served properly with notice of the child custody proceedings in Egypt. Accordingly, the Egyptian child custody orders sought to

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SECRETARY OF STATE BRIAN P. KEMP
STATE OF GEORGIA
CONSTITUTION
WISDOM JUSTICE MODERATION
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STATE OF GEORGIA
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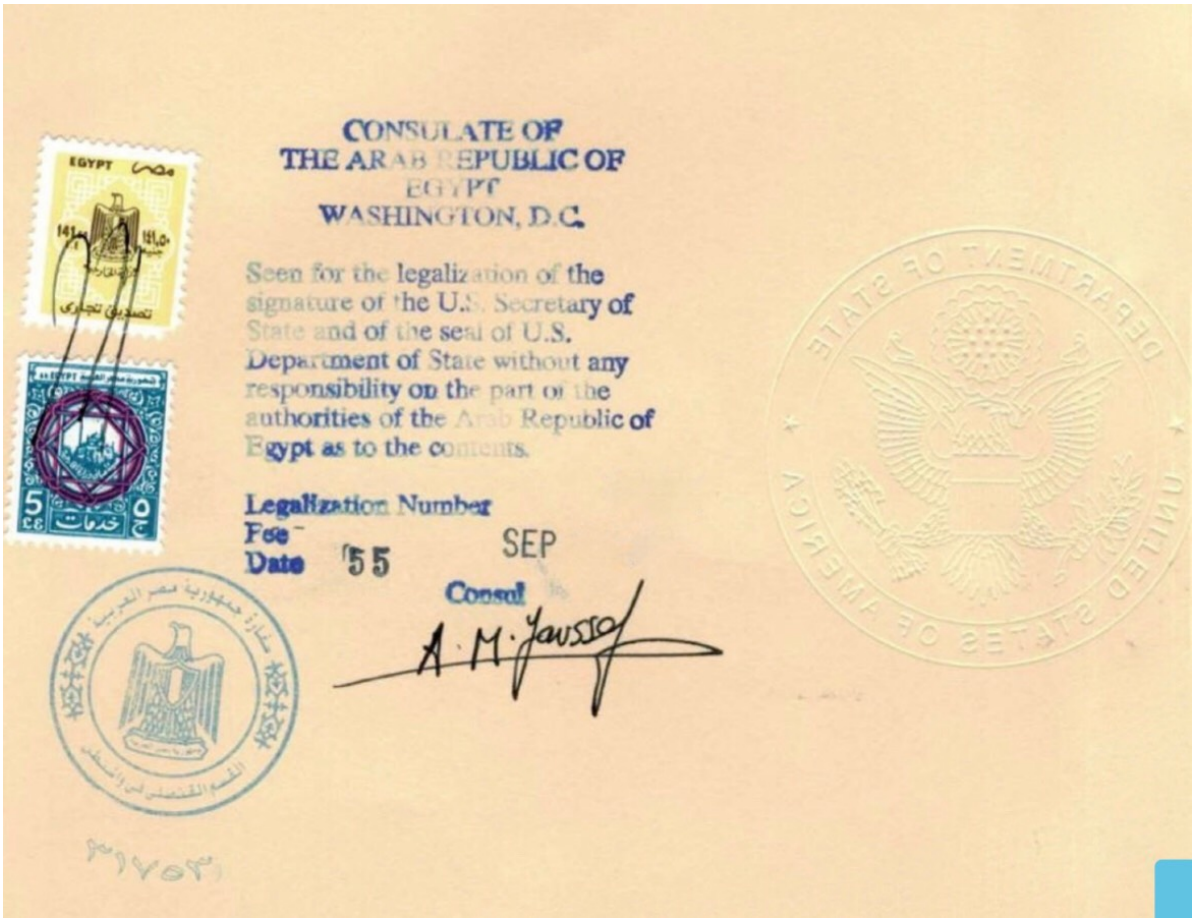
EGYPT
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A. M. Jaussa
DEPARTMENT OF STATE
UNITED STATES OF AMERICA

be registered by Petitioner in the above-styled matter are denied registration and are not subject to enforcement by the Court.

SO ORDERED this 27th day of February, 2019, *nunc pro tunc*, January 15, 2019.

HONORABLE BELINDA E. EDWARDS
Fulton County Superior Court
Family Division

Prepared by:
Angela M. Kinley
Attorney for Respondent
Georgia State Bar No. 159097
3400 Peachtree Road NE
Suite 1011
Atlanta, Georgia 30326
(404) 784-7186
angela@kinleylaw.com

State of Georgia, County of Fulton
I certify that this is a true and correct copy
of a document in the possession of
Shamel Hanafi
Dated 3/1/19
Notary Public James C. Saunders

JAMES C. SAUNDERS NOTARY PUBLIC GEORGIA EXPIRES July 8, 2022 FULTON COUNTY

مكتب المحامي
يحيى عبد المجيد
المحامي
بالنقض والإدارية والدستورية العليا
والاستشارات القانونية والتحكيم
١٦ ش السبكي - خلف نادي هليوبوليس
مصر الجديدة
ت: ٢٤١٨٥٤٨٨ / ٢٤١٨٥٠٨٨ فاكس: ٢٤١٩٢٩٠٩

عاجل

٢٠٥٦

إنه في يوم السبت الموافق ١٠/٢/٢٠١٨ الساعة ١٠ صباحاً

الموضوع

إعادة إعلان وعرض الصلح في الدعوى رقم ١٨٥٩ لسنة ٢٠١٧ أسرة مصر الجديدة

تنفيذاً لقرار المحكمة

بناءً على طلب السيدة/ دينا حسين محمد أبو سعدة – والمقيمة بفيلا رقم ٣٨٢ غرب الجولف بالتجمع الخامس – القاهرة الجديدة، ومحلها المختار مكتب المستشار/ يحيى عبد المجيد المحامي بالنقض والإدارية والدستورية العليا الكائن مقره في ١٦ شارع السبكي – خلف نادي هليوبوليس – مصر الجديدة – القاهرة.

أنا ولید محمدی محضر محكمة أسرة انتقلت وأعلنت:

السيد/ شامل محمد محمد حنفي
المقيم برقم ٢٧ شارع حسن صادق – مصر الجديدة.
مخاطباً مع// السيد ماسؤول الأمن بالعقار نظر الملكة

وأعلنته بالآتي

أقامت الطالبة الدعوى رقم ١٨٥٩ لسنة ٢٠١٧ أمام محكمة أسرة مصر الجديدة طالبة في ختام صحيفة دعواها الحكم لها بفرض نفقة للصغيرة/ كارما شامل محمد محمد حنفي بجميع أنواعها من مأكل وملبس ومسكن وغيرها وقد تحدد لنظر تلك الدعوى ابتداء جلسة ٢٠١٧/١٢/٢٣ وبذات الجلسة قررت المحكمة الموقرة التأجيل لجلسة ٢٠١٨/٢/١٠ لإعادة إعلان المعلن إليه وعرض الصلح والتحري.

وحيث يهم الطالبة تنفيذ قرار المحكمة فإنها تعيد إعلان المعلن إليه وتعرض عليه الصلح لجلسة ٢٠١٨/٢/١٠.

بناء عليه

أنا المحضر سالف الذكر قد انتقلت وأعلنت المعلن إليه وسلمته أو من ينوب عنه قانونا صورة من أصل الصحيفة وكلفته بالحضور أمام محكمة الحدائق لشئون الأسرة الكائنة بمجمع محاكم مصر الجديدة الكائنة بشارع الحجاز – ميدان المحكمة – مصر الجديدة وذلك أمام الدائرة (١٦) أسرة مصر الجديدة و ذلك من صباح يوم السبت الموافق ٢٠١٨/٢/١٠ وذلك لسماعه الحكم بفرض نفقة للصغيرة/ كارما شامل محمد محمد حنفي بجميع أنواعها من مأكل وملبس ومسكن وغيرها مع إلزامه بالمصروفات ومقابل أتعاب المحاماة .

مع حفظ كافة حقوق الطالبة الأخرى بجميع أنواعها ومشتملاتها.

وكيل الطالبة
المستشار
يحيى عبد المجيد
المحامي

Authorship & Translation
Scientific Bureau
FOUAD NEMAH
14(a) Sherif, St. Heliopolis
Tel 22567808 - 24506219
37, Kasr El Nil St., - Cairo
Tel : 23922124

cus-kar

TRANSLATION

ARAB REPUBLIC OF EGYPT

OFFICE OF CHANCELLOR YEHIA ABDELMEGUID
LAWYER
BEFORE THE COURT OF CASSATION, THE HIGHER ADMINISTRATIVE & CONSTITUTIONAL COURT
LEGAL CONSULTATIONS & ARBITRATION
16 El Sobky Street, behind Heliopolis Club, Heliopolis

Subject-Matter: Re-notification & offering reconciliation regarding Lawsuit number 1859/2017/Heliopolis Family Court,
In implementation to the Court Decision

The Plaintiff's Lawyer
Chancellor Yehia Abdelmeguid
Signature & seal

On Tuesday, February 6, 2018

Acting at the request of Mrs. ***DEANNA HUSSEIN MOHAMED ABUSEDA***, domiciled at Villa number 382, El Golf West, Fifth Settlement, New Cairo, whose elected domicile is the Office of Chancellor Yehia Abdelmeguid, Lawyer before the Court of Cassation, the Higher Administrative & Constitutional Court, headquartered at 16 El Sobky Street, behind Heliopolis Club, Heliopolis, Cairo,

I, Walid Hamdy, Bailiff of the Family Court, proceeded and notified:

Mr. ***SHAMEL MOHAMED MOHAMED HANAFY***, domiciled at 27 Hassan Sadek Street, Heliopolis, addressing: The Commissioner of the Police Office as the house was closed,

& notified him of the following:

The Plaintiff filed lawsuit number 1859 for the year 2017 before Heliopolis Family Court, requesting at the end of her lawsuit citation a ruling imposing payment of alimony for her minor ***KARMA SHAMEL MOHAMED MOHAMED HANAFY***, of all types, including food, clothes, housing and others. The hearing of December 23, 2017 was fixed as a starting hearing for this lawsuit, and at that hearing the respectful court decided to postpone the case to the hearing of February 10, 2018 for re-notifying the Respondent, offering reconciliation and investigation.

I, Karim Nemah, hereby affirm that I am competent to translate the attached document from Arabic into English and that translation is accurate.

Authorship & Translation
Scientific Bureau
FOUAD NEMAH
14(a) Sherif, St. Heliopolis
Tel 22567808 - 24506219